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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/569,016	11/16/2006	Pen Li	US03 0283 US2	1659
65913	7550	04/08/2011	EXAMINER	
NXP, B.V. NXP INTELLECTUAL PROPERTY & LICENSING M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			ANWARI, MACEEH	
			ART UNIT	PAPER NUMBER
			2451	
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			04/08/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary

Application No.

10/569,016

Applicant(s)

LI, PEN

Examiner

MACEEH ANWARI

Art Unit

2451

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to communications filed on 12/10/2010. **Claim(s) 1-12** have been amended. No other claims have been amended, added, or canceled. Accordingly, **claim(s) 1- 12** are pending.

Response to Arguments

2. Applicant's arguments with respect to **claims 1- 12** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1 & 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Quigley et al. (hereinafter Quigley, U.S. Pub. No.: 2007/0086484 A1)** in view of **Hodge et al. (hereinafter Hodge, U.S. Pub. No.: 2002/0056125 A1)** and further in view of **Higashida (U.S. Pat. No.: 7, 606, 155 B2)**.

5. **Regarding claim 1** Quigley discloses: a wireless communication device comprising **(At least Fig. 78-79 and Abstract par. 3; wireless communication systems):**

an input terminal that communicates data with a processor **(At least Fig. 79 and par. 90; PC [1048] and Headend unit and master headend unit);**

a memory that stores a parameter relevant to the wireless communication protocol (**At least Fig. 5A-B, 79 and par. 90; CPU, RAM and ROM**);

and a modem coupled to the segregation circuit and the memory, that communicates using a wireless protocol over a wireless channel, and

a framer that fragments the incoming high-priority data and the incoming low-priority data based at least in part on the parameter stored in the memory (**At least Fig. 73- 4 & 79 and Abstract and par. 81, 86- 87 and 537-538; RF modems and fragmentation of data packets**).

Quigley discloses the invention as discussed above however he does not appear to explicitly disclose a segregation circuit, coupled to the input terminal identifies predetermined data and separates incoming high-priority data from incoming low-priority data.

In the same field of invention **Hodge** discloses a segregation circuit, coupled to the input terminal identifies predetermined data and separates incoming high-priority data from incoming low-priority data (**Hodge: At least Fig. 7a-7b and par. 18-25 & 221; buffering module, re-packetization module and synchronizing module and the receiving of plurality of packets as video, data, voice and control packets, data and control information stored in separate areas in memory**).

One of ordinary skill in the art at the time of the given invention would have been motivated to modify and or combine the teachings of **Hodge's** buffering, re-packetization and synchronizing modules with those of **Quigley's** to form a more

manageable and efficient communication system (i.e. by optimizing the use of system resources **par. 15**).

6. **Claims 2-6 & 8-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Quigley et al. (hereinafter Quigley, U.S. Pub. No.: 2007/0086484 A1)** in view of **Hodge et al. (hereinafter Hodge, U.S. Pub. No.: 2002/0056125 A1)** and further in view of **Higashida (U.S. Pat. No.: 7, 606, 155 B2)**.

7. **Quigley-Hodges** disclose the invention as discussed above.

Quigley further discloses the use of threshold registers and offset generator (**Fig. 6A-6C, 14- 17 par. 123**).

However, **Quigley-Hodges** do not appear to explicitly disclose wherein the memory stores a fragmentation threshold parameter that is set to be greater than the length of the incoming high-priority data and less than the length of the incoming high-priority data and less than the length of the incoming low-priority data; and the framer that frames the incoming high-priority data and the incoming low-priority data based at least in part of the fragmentation threshold parameter.

In the same field of endeavor **Higashida** discloses wherein the memory stores a fragmentation threshold parameter that is set to be greater than the length of the incoming high-priority data and less than the length of the incoming high-priority data and less than the length of the incoming low-priority data; and the framer that frames the incoming high-priority data and the incoming low-priority data based at least in part of the fragmentation threshold parameter (**Higashida at least in Fig. 2-8 and Abstract and col. 1 lines 38-44, col. 13 line 44- col. 14 line 23; packet superimposing and**

separating part [201] priority and non-priority data units, priority and non-priority buffering, with fragment offsets and predetermined lengths and sequence numbers).

One of ordinary skill in the art at the time of the given invention would have been motivated to combine the teachings of **Higashida's** transmission method with those of **Quigley-Hodge's** to form a more dynamic and manageable system (i.e. by breaking larger bits of data into smaller and readily definable bits).

8. **As per claim 3 Quigley-Hodge-Higashida** further discloses: wherein the predetermined data is video data, the high-priority data is video control data and the low-priority data is video payload data (**Hodge: At least Fig. 7a-7b and par. 18-25; buffering module, re-packetization module and synchronizing module and the receiving of plurality of packets as video, data, voice and control packets**).

One of ordinary skill in the art at the time of the given invention would have been motivated to combine the teachings of **Quigley-Hodge** and **Higashida**, in the instant claim, for the same reasons and rationale as in **claim 2**.

9. **As per claim 4 Quigley-Hodge- Higashida** further discloses: wherein the predetermined data is video data, the high-priority data is video control data and the low-priority data is video payload data (**Hodge: At least Fig. 7a-7b and par. 18-25; buffering module, re-packetization module and synchronizing module and the receiving of plurality of packets as video, data, voice and control packets**).

One of ordinary skill in the art at the time of the given invention would have been motivated to combine the teachings of **Quigley-Hodge** and **Higashida**, in the instant claim, for the same reasons and rationale as in **claim 2**.

10. **As per claim 5 Quigley-Hodge-Higashida** further discloses: wherein the video data are Moving Picture Experts Group-2 (MPEG-2) format video data (**Hodge: At least par. 11; MPEG-2 transport packets/stream**).

One of ordinary skill in the art at the time of the given invention would have been motivated to combine the teachings of **Quigley-Hodge** and **Higashida**, in the instant claim, for the same reasons and rationale as in **claim 2**.

11. **As per claim 6 Quigley-Hodge-Higashida** further discloses: wherein the video data are Moving Picture Experts Group-2 (MPEG-2) format video data (**Hodge: At least par. 11; MPEG-2 transport packets/stream**).

One of ordinary skill in the art at the time of the given invention would have been motivated to combine the teachings of **Quigley-Hodge** and **Higashida**, in the instant claim, for the same reasons and rationale as in **claim 2**.

12. **As per claims 8- 12** they all list the same elements as those detailed in the claims above, but in method format rather than device format, and are therefore rejected using the same reasoning and rationale as applied to **claims 2- 6**.

Examiner Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MACEEH ANWARI whose telephone number is (571)272-7591. The examiner can normally be reached on Monday-Friday 7:30-5:00 PM ES.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.A.

/John Follansbee/
Supervisory Patent Examiner, Art Unit 2451